

104TH CONGRESS
1ST SESSION

S. 1009

To prohibit the fraudulent production, sale, transportation, or possession of fictitious items purporting to be valid financial instruments of the United States, foreign governments, States, political subdivisions, or private organizations, to increase the penalties for counterfeiting violations, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 30 (legislative day, JUNE 19), 1995

Mr. D'AMATO introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To prohibit the fraudulent production, sale, transportation, or possession of fictitious items purporting to be valid financial instruments of the United States, foreign governments, States, political subdivisions, or private organizations, to increase the penalties for counterfeiting violations, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Financial Instruments
5 Anti-Fraud Act of 1995”.

1 **SEC. 2. INCREASED PENALTIES FOR COUNTERFEITING VIO-**
2 **LATIONS.**

3 Sections 474 and 474A of title 18, United States
4 Code, are amended by striking “class C felony” each place
5 such term appears and inserting “class B felony”.

6 **SEC. 3. CRIMINAL PENALTY FOR PRODUCTION, SALE,**
7 **TRANSPORTATION, POSSESSION OF FICTI-**
8 **TIOUS FINANCIAL INSTRUMENTS PURPORT-**
9 **ING TO BE THOSE OF THE STATES, OF POLITI-**
10 **CAL SUBDIVISIONS, AND OF PRIVATE ORGA-**
11 **NIZATIONS.**

12 (a) IN GENERAL.—Chapter 27 of title 18, United
13 States Code, is amended by inserting after section 513,
14 the following new section:

15 **“§ 514. Fictitious obligations**

16 “(a) Whoever, with the intent to defraud—

17 “(1) draws, prints, processes, produces, pub-
18 lishes, or otherwise makes, or attempts or causes the
19 same, within the United States;

20 “(2) passes, utters, presents, offers, brokers, is-
21 sues, sells, or attempts or causes the same, or with
22 like intent possesses, within the United States; or

23 “(3) utilizes interstate or foreign commerce, in-
24 cluding the use of the mails or wire, radio, or other
25 electronic communication, to transmit, transport,

1 ship, move, transfer, or attempts or causes the same,
2 to, from, or through the United States,
3 any false or fictitious instrument, document, or other item
4 appearing, representing, purporting, or contriving through
5 scheme or artifice, to be an actual security or other finan-
6 cial instrument issued under the authority of the United
7 States, a foreign government, a State or other political
8 subdivision of the United States, or an organization, shall
9 be guilty of a class B felony.

10 “(b) For purposes of this section, any term used in
11 this section that is defined in section 513(c) shall have
12 the same meaning given such term in section 513(c).

13 “(c) The United States Secret Service, in addition to
14 any other agency having such authority, shall have author-
15 ity to investigate offenses under this section.”.

16 (b) TECHNICAL AMENDMENT.—The analysis for
17 chapter 27 of title 18, United States Code, is amended
18 by inserting after the item relating to section 513 the fol-
19 lowing:

“514. Fictitious obligations.”.

